IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 33774 of 2007(U)

PETITIONERS:

1. **P.T.SHAFI (ANTONY), S/O. PAYAPPAN THOMAS, AGED 38 YEARS, PAYAPPAN HOUSE, CHIMINI DAM P.O., THRISSUR DISTRICT.**
2. **K.M.ABOOBACKER, S/O. K.M.MOHAMMED, AGED 39 YEARS, KORAPPANAINKAL HOUSE, P.O.CHIMINI DAM, VIA. ALAGAPPA NAGAR, THRISSUR DISTRICT.**
3. **T.P.ANTONY, AGED 40 YEARS, S/O. THAKOLKARAN PAULOSE, P.O.PATTIKADU, THAKKUMPADAM, KANNANCHAL, THRISSUR DISTRICT.**

BY ADV. SRI.M.P.KRISHNAN NAIR.

RESPONDENTS:

1. **THE CHIEF SECRETARY, STATE OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE SECRETARY TO GOVERNMENT, PUBLIC WORKS (B) DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.**
3. **THE CHIEF ENGINEER (ADMINISTRATION), PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.**
4. **CHIEF ENGINEER, IRRIGATION AND ADMINISTRATION, PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.**

W.P.(C). NO.33774/2007:

5. EXECUTIVE ENGINEER,
CHIMONY DAM PROJECT DIVISION, CHIMONY DAM P.O.,
ALAGAPPANAGAR VIA., THRISSUR DISTRICT.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)NO.33774 OF 2007

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Dated this the 10th day of December 2007

JUDGMENT

According to the petitioners, they were working as casual labourers in the Chimney Dam Project Division. They claim that they had worked for more than 500 days in the Chimney Dam. They claim regularisation of service. Their claim was considered by the Chief Engineer who, by Ext.P6 order, noted that the petitioners might have been engaged by the Contractors and most of the workers in the Chimney Dam were engaged under contract system which then existed in the Public Works Department. It is true that as per the government order GO(P)6/90 dtd.20.1.1990, CLR workers who were in service prior to 19.5.1983 and who had completed 500 days as on 1.5.1987 were to be absorbed in service. But insofar as the petitioners are concerned, they were not able to produce any records to show that they had worked for the requisite period. It is on these materials, the Chief Engineer declined the plea for regularisation.

2. In my view, the petitioner's claim ought to be considered by the government. In the circumstances, the petitioners may file a representation before the second respondent. If such a representation

is filed within one month indicating their claim along with the materials to show that they are covered by the government order mentioned above, the second respondent shall, after hearing a representative of the petitioner, take a decision on the petitioner's plea for regularisation within a period of three months thereafter. The second respondent need not consider himself bound by Ext.P6 while taking a decision on the petitioners' claim.

V.GIRI, JUDGE

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